

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JO TANKERS, A.S. and JO TANKERS B.V., §  
Plaintiff, §  
§  
v. §  
§ C.A. No. \_\_\_\_\_  
HBG LOGISTICS, L.L.C., HBG AGENCIES, § ADMIRALTY 9(h)  
HOUSTON BECNEL, INC., ALBERT §  
GARCIA, KEITH BUFORD, and JULIAN §  
HOWARD §

**PLAINTIFFS' ORIGINAL COMPLAINT**

COME NOW Plaintiffs, Jo Tankers, A.S. and Jo Tankers B.V., to file this Original Complaint against Defendants HBG Logistics, L.L.C., HBG Agencies, Houston Becnel, Inc., Albert Garcia, Keith Buford, and Julian Howard (collectively, "Defendants") and for this cause of action respectfully show as follows:

**I. JURISDICTION**

1. This is an admiralty and maritime law claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. This Court has jurisdiction pursuant to 28 U.S.C. § 1333. This Court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because complete diversity exists among the parties and the amount in controversy exceed \$75,000.00.

**II. PARTIES**

2. Plaintiff, Jo Tankers, A.S. is a business entity organized under the laws of the Kingdom of Norway, with its principal place of business in Bergen, Norway.

3. Plaintiff, Jo Tankers, B.V. is a business entity organized under the laws of the Kingdom of The Netherlands, with its principal place of business in Spijkenisse, The Netherlands.

4. Defendant, HBG Logistics, L.L.C. (“HBG Logistics”), is a business entity not registered with the Secretary of State of the State of Texas nor authorized to do business in the State of Texas and which to the best of Plaintiffs’ knowledge, is not registered with the Secretary of State of any state in the United States, but maintains a principal place of business at 16516 Air Center Blvd., Houston, Texas 77032. HBG Logistics may be served with process by serving its agent and “President”, Julian Howard, who is employed in HBG Logistic’s place of business at 16516 Air Center Blvd., Houston, Texas 77032.

5. Defendant, HBG Agencies, is a business entity not registered with the Secretary of State of the State of Texas nor authorized to do business in the State of Texas and which to the best of Plaintiffs’ knowledge, is not registered with the Secretary of State of any state in the United States, but maintains a principal place of business at 16516 Air Center Blvd., Houston, Texas 77032. To the best of Plaintiffs’ knowledge, HBG Agencies is the successor-in-interest to HBG Logistics and may be served with process by serving its agent and “President”, Julian Howard, who is employed in HBG Agencies’ place of business at 16516 Air Center Blvd., Houston, Texas 77032.

6. Defendant, Houston Becnel, Inc. (“Houston Becnel”), is a corporation that is incorporated under the laws of the State of Texas. To the best of Plaintiffs’ knowledge, Houston Becnel is a real party-in-interest as there is no record of a corporate filing for HBG Logistics or HBG Agencies, and upon information and belief, is the parent company to HBG Logistics. Houston Becnel has its principal place of business in the State of Texas. Houston Becnel may be served with process by serving its registered agent, Albert Garcia, at 16526 Air Center Blvd., Houston, Texas 77032.

7. Defendant, Albert Garcia, an individual, who is a citizen of the State of Texas may be served with process by delivering a copy of the summons and this complaint to Albert Garcia, personally, at 16526 Air Center Blvd., Houston, Texas 77032. To the best of Plaintiffs' knowledge, Albert Garcia is a real party-in-interest as there is no record of a corporate filing for HBG Logistics or HBG Agencies.

8. Defendant, Keith Buford, an individual, who is a citizen of the State of Texas may be served with process by delivering a copy of the summons and this complaint to Keith Buford, personally, at 16516 Air Center Blvd., Houston, Texas 77032. To the best of Plaintiffs' knowledge, Keith Buford is a real party-in-interest as there is no record of a corporate filing for HBG Logistics or HBG Agencies.

9. Defendant, Julian Howard, an individual, who is a citizen of the State of Texas may be served with process by delivering a copy of the summons and this complaint to Julian Howard, personally, at 16516 Air Center Blvd., Houston, Texas 77032. To the best of Plaintiffs' knowledge, Julian Howard is a real party-in-interest as there is no record of a corporate filing for HBG Logistics or HBG Agencies.

### **III. CAUSES OF ACTION**

10. This is a complaint for breach of a maritime contract of agency, breach of fiduciary duty, and conversion.

11. Plaintiffs entered into an agency contract with HBG Logistics, under which HBG Logistics was to provide agency services to vessels owned, managed or operated by Plaintiffs at the Port of Houston and other ports in the Gulf of Mexico.

12. HBG Logistics or other Defendants entered into agreements with various harbor pilot associations and port vendors as well as other necessities suppliers for the benefit of vessel that are/were owned, managed or operated by Plaintiffs.

13. When invoices came due, Plaintiffs promptly paid the Defendants, who were to then use those funds to pay the suppliers, pursuant to the agency contract, thereby establishing a fiduciary duty.

14. On an as-yet unknown number of occasions, HBG Logistics failed to pay the suppliers, in breach of the agency agreement, has refused to return the funds to Plaintiffs, and is believed to have used the specifically distinguished funds for the benefit of one or all of the Defendants.

15. As a result of HBG Logistics or Defendants failing to pay the suppliers, Plaintiffs have received demands and claims from the suppliers and been forced to pay the amounts twice – once to HBG Logistics as agents to pay the invoices, and then again directly to the suppliers.

16. The actions of the Defendants have caused Plaintiffs to incur substantial damages and/or claims from suppliers in excess of \$500,000.00, as well as loss of business reputation and other losses that will be proven at trial.

#### **IV. PRAYER**

17. WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Jo Tankers, A.S. and Jo Tankers B.V., respectfully request that judgment be awarded in their favor against Defendants HBG Logistics, L.L.C., HBG Agencies, Houston Becnel, Inc., Albert Garcia, Keith Buford, and Julian Howard for the damages identified herein and for all other relief at law and in equity to which Plaintiffs may be justly entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William A. Durham', is written over a horizontal line.

William A. Durham

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